

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

Beauregard Clem

Plaintiff,

v.

Lindsey Clem, Cynthia Beltrami, and Sara
Jervis

Defendants.

Case No. CV10-5673 RBL

ORDER TO AMEND APPLICATION TO
PROCEED IN FORMA PAUPERIS AND
COMPLAINT

THIS MATTER comes before the Court on Plaintiff Beauregard Clem's Application to Proceed in Forma Pauperis and Complaint. The Application to Proceed in Forma Pauperis and the Complaint are incomplete and must be amended as set forth below by OCTOBER 20, 2010. Failure to do so may result in denial of the Application to Proceed in Forma Pauperis, dismissal of the Complaint, or both.

Plaintiff is ordered to file a written consent in compliance with CR 3(b)(2) of the Local Rules for the Western District of Washington. Petitioner is further ordered to supplement his statement of claim against Defendant. As stated in the Complaint, Plaintiff claims "Lindsey Clem received TANF and other state services while receiving money fraudulently from a trust fund." Elsewhere in the Complaint, Plaintiff asserts

1 he is bringing a qui tam action under 31 U.S.C. § 3729 and that federal question jurisdiction lies.

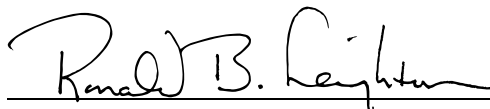
2 It unclear whether Plaintiff is alleging Defendant fraudulently obtained federal funds, private funds
3 from a trust, or both. For a qui tam action to proceed, the subject of Defendant's allegedly fraudulent conduct
4 must be the government, not a private entity. 31 U.S.C. § 3730(b). If Plaintiff's claim is limited to the
5 fraudulent misappropriation of private funds, no qui tam action is possible and 31 U.S.C. § 3729 is
6 inapplicable, eliminating federal question as a source of jurisdiction. *See id.* However, given the diversity
7 of state citizenship between Plaintiff and Defendant, diversity jurisdiction may be applicable. 28 U.S.C. §
8 1332(a)(1).
9

10 **Therefore, Plaintiff is ordered to file a written consent in compliance with CR 3(b)(2) of the**
11 **Local Rules for the Western District of Washington. Plaintiff is further ordered to amend his**
12 **Complaint to clarify whether Defendant defrauded the government, a private entity, or both. Plaintiff**
13 **shall further set forth whether this Court has federal question or diversity jurisdiction over the cause**
14 **of action by OCTOBER 20, 2010.**
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16 IT IS SO ORDERED.

17 The clerk shall send uncertified copies of this ORDER to counsel of record and any parties proceeding
18 pro se.
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20 DATED this 29th day of September, 2010.

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22 RONALD B. LEIGHTON
23 UNITED STATES DISTRICT JUDGE
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